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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,965	10/04/2004	Urs-Peter Studer	32478-207660 RK	9993
26694	7590	08/23/2005	EXAMINER	
VENABLE LLP			NGUYEN, TU T	
P.O. BOX 34385			ART UNIT	
WASHINGTON, DC 20045-9998			PAPER NUMBER	
			2877	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/509,965

Applicant(s)

STUDER, URS-PETER

Examiner

Tu T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/04/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Abstract

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The abstract in this application contains more than 150 words.

Claim Objections

Claim 3 is objected to because of the following informalities:

- 1) Claim 3, line 3, the phrase "which one emits light" should be changed to "wherein, one light source emits light".
- 2) Claim 3, line 3, the phrase "the other one" should be changed to "the other light source".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1) Claim 1, line 18, the phrase "and determine the field intensity" is not clear. It is not clear which element performs the claimed function.

2) Claim 1, lines 20-22, the phrase "an active inductive measuring plane ... plane M" is not clear. The meaning of the phrase is not clear. Is "an active inductive measuring plane" same as "active measuring plane M"?

3) Claim 1, lines 15-22, the paragraph is unclear. The correlated process is not clear. it is not clear how or which of the measured intensities are correlated.

4) Claim 3, lines 5-6, the phrase "respectively one light sensor which detects the light emitting by the opposite-arranged light source" is not clear. Is there more than one detector? What is the "opposite-arranged light source"?

5) Claim 5, line 5, the phrase ", and are positioned perpendicular to the measuring plane M" is not clear. Does applicant mean the "effective surface" or the "X-plane and Y-plane"? What is the "measuring plane M"? Does applicant mean "the active measuring plane M"?

6) Claim 6, lines 6-10, the paragraph "a separate measuring coil ... central axis Z" is not clear. Is the "measuring coil pair" same as the "four coil pairs"? What is the "measuring plane M"? Does applicant mean "the active measuring plane M"?

7) Claim 7, line 2; claim 9, line 2, is the "measuring coil arrangement" same as the "inductive measuring coil arrangement" in claim 1?

8) Claim 9, line 3, what is the "measuring plane M"? Does applicant mean "the active measuring plane M"?

9) Claim 10, lines 2-3, the "optical measurement" is not clear. Are they the same?

10) Claim 11, lines 14-18, the paragraph "wherein the field intensities ... measuring plane M" is not clear. Refer to discussion in claim 1 above.

Claim Rejections - 35 USC § 103

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kyriakis (EP 0 692 697) in view of Sikora (5,214,376) and Jakobsen et al (6,661,502).

With respect to claims 1,11, Kyriakis discloses a contactless system for measuring centricity and diameter of a cable (columns 1-2). The system comprises: an optical measuring device 1 (fig 1) for determining the external diameter and the position of a cable 3 (fig 1) in an optical measuring plane that is arranged perpendicular to and transverse to the central axis Z of a measuring device (fig 1), wherein the cable 3 (fig 1) comprises a conductor 4 (fig 1) with insulating jacket 14 (fig 3); an inductive measuring coil arrangement 10,11 (fig 2) for determining the position of the conductor in an

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inductive measuring plane, which is also arranged perpendicular to and transverse to the central axis Z of the measuring device.

Kyriakis does not disclose a means for correlating the position of cable with the position of the conductor as claimed. Jakobsen discloses a system for measuring the diameter and eccentricity of an optical fiber (abstract). The system comprises: a means for correlating the measured data for determining the diameter and eccentricity of the fiber (column 6, lines 15-20). It would have been obvious to modify Kyriakis with the means for correlating the measured data as taught by Jakobsen to facilitate the measurement.

Kyriakis does not disclose pulling the test fiber in the direction of the central axis Z through the measuring device. Sikora discloses a system for measuring a fiber. The system comprises a measuring device 90,94,100 (fig 3) and the test fiber 16b (fig 3), wherein the test fiber being pulled in the direction 18b (fig 3) of the central axis Z through the measuring device. It would have been obvious to modify Kyriakis with the pulling device as taught by Sikora to test the longitude of the fiber.

With respect to claim 2, Kyriakis discloses one optical measurement 2,5 (fig 1) being placed in a X-direction and the other 6,7 (fig 1) being placed in a Y-direction.

With respect to claim 3, Kyriakis discloses the claimed two light sources 2,6 (fig 1).

With respect to claims 4,6-10, Kyriakis does not disclose a plurality of measuring coils or plurality of measuring coil pairs. However, it would have been obvious to modify Kyriakis with a plurality of measuring coils or a plurality of coil pairs to ensure the quality of the measurement.

With respect to claim 5, Kyriakis does not disclose the claimed device for inducing a high frequency AC in the conductor. However, it would have been obvious to modify Kyriakis with the claimed device to ensure the accuracy of the system.

With respect to claim 12, it would have been obvious to modify Kyriakis to process the measured data in real time to make the system faster.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu T. Nguyen whose telephone number is (571) 272-2424. The examiner can normally be reached on T-F 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley Jr. can be reached on (571) 272-2800 Ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Tu T. Nguyen', with a long, sweeping horizontal line extending to the right.

Tu T. Nguyen
Primary Examiner
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08/19/2005